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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,805	02/04/2004	Clay Fisher	SON5180.84A	3337
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O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC. 400 CAPITOL MALL SUITE 1550 SACRAMENTO, CA 95814				
EXAMINER				
DAYE, CHELSEA L				
ART UNIT		PAPER NUMBER		
2161				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,805

Applicant(s)

FISHER ET AL.

Examiner

CHELCIE DAYE

Art Unit

2161

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/30/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to applicant's Appeal Brief filed August 30, 2010.
2. Claims 1-10 and 17-28 are presented. No claim added and claims 11-16 are cancelled.
3. Claims 1-10 and 17-28 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-10 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schleifer (US Patent No. 7,526,768) in view of LaRue (US Patent Application No. 2002/0133508).**

Regarding Claims 1, 10, 17, 18, and 24-28, Schleifer discloses a method of tracking and synchronizing content across multiple devices, including a plurality of client devices and a server (cols.3-4, lines 58-67 and 1-14, respectively, Schleifer), comprising:

receiving new content associated with a request submitted by a user
(col.10, lines 63-65, Schleifer);

reviewing said new content in response to the request and comparing with
existing content for which a record exists and which is a duplicate or related to
said new content (col.10, lines 65-67, Schleifer)¹;

performing the request corresponding to said new content (col.10, lines
66-67, Schleifer).

However, Schleifer is not as detailed with respect to new content for which
no record exists and automatically completing fields within said new content
record based on information contained in the new content as well as information
about the presence of duplicate or related content which is available on the
multiple devices.

On the other hand, LaRue discloses new content for which no record
exists (par [0146], LaRue) and automatically completing fields within said new
content record based on information contained in the new content as well as
information about the presence of duplicate or related content which is available
on the multiple devices ([0153], LaRue). Schleifer and LaRue are analogous art
because they are from the same field of endeavor for the synchronization of data.
It would have been obvious to one of ordinary skill in the art at the time of the
invention to incorporate LaRue's teachings into the Schleifer system. A skilled
artisan would have been motivated to combine in order to provide a

synchronization technology which processes already-known data and shares the information in an intelligent manner.

Therefore, the combination of Schleifer in view of LaRue, disclose wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content (par [0171], LaRue); and

updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records (par [0062], LaRue).

Regarding Claim 2, the combination of Schleifer in view of LaRue, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network (col.6, lines 29-35, Schleifer);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or

¹ Examiner Notes: A further explanation of comparing the content with related content is explained within Schleifer at col.7, lines 46-54 and col.8, lines 16-19.

related content is available across the multiple devices (cols.7-8, lines 46-67 and 1-11, Schleifer);

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content (par [0194], LaRue); and

performing the request in response to receiving the request and instructions from the user in responding to said confirmation (par [0193], LaRue).

Regarding Claims 3, 4, and 20, the combination of Schleifer in view of LaRue, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network (col.6, lines 29-35, Schleifer);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices (cols.7-8, lines 46-67 and 1-11, Schleifer); and

determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received (par [0140], LaRue).

Regarding Claims 5 and 19, the combination of Schleifer in view of LaRue, disclose the method wherein said new content includes one from the group of content items consisting of a photograph, music, a document (col.1, lines 17-18, Schleifer), and a video.

Regarding Claims 6 and 23, the combination of Schleifer in view of LaRue, disclose the method wherein each content record includes a field for indicating other content related to content associated with the content record (col.8, lines 32-44, Schleifer).

Regarding Claims 7 and 21, the combination of Schleifer in view of LaRue, disclose the method further comprising storing the pre-established preference in a storage device (par [0077], LaRue).

Regarding Claims 8 and 22, the combination of Schleifer in view of LaRue, disclose the method further comprising storing the new content record in a storage device (par [0129], LaRue).

Regarding Claim 9, the combination of Schleifer in view of LaRue, disclose the method wherein the confirmation is sought from the user for authorization for executing the request (par [0194], LaRue).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
November 20, 2010

Art Unit: 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161